

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-4029

United States of America,

Appellee,

v.

Carlos Gutierrez,

Appellant.

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No. 98-4030

Appeals from the United States
District Court for the District
of Minnesota.

United States of America,

Appellee,

v.

Loreto Lizzaraga, also known as Martin
Gonzales-Llamas,

Appellant.

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[UNPUBLISHED]

No. 99-1701

also known as Primo,

Appellant.

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Submitted: December 15, 1999

Filed: December 23, 1999

Before WOLLMAN, Chief Judge, FAGG, Circuit Judge, and BATTEY,* District Judge.

PER CURIAM.

Carlos Gutierrez, Loreto Lizzaraga, Pedro Luis Hernandez, Juan Roberto Leon, and Victor Villegas (appellants) appeal their convictions on felony charges related to their participation in an extensive drug operation. We affirm.

The appellants raise several contentions related to their trial. We reject all of their arguments. First, we conclude the district court correctly denied the motions regarding search and seizure and wire tap issues. Second, the record contains substantial evidence on which the jury reasonably could have found the appellants guilty of the charges. Third, the appellants' assertions that the Government failed to prove the single conspiracy charged in the indictment are without legal merit. Finally, we are satisfied the district court correctly resolved the appellants' challenges to certain evidence offered by the Government.

*The Honorable Richard H. Battey, United States District Judge for the District of South Dakota, sitting by designation.

The appellants also raise several arguments about their sentences. We reject these arguments as well. The district court's sentence-related factual findings about drug quantities and roles in the offenses have ample support in the record and none are clearly erroneous. Because the district court did not misapply the guidelines when imposing the appellants' sentences, we must affirm the sentences.

Having satisfied ourselves that the case was well tried in the district court, that no error of law or fact appears, and that the appeal simply involves the application of settled principles of law to unique facts, we conclude the issues do not warrant a comprehensive opinion. We thus affirm the appellants' convictions and sentences without further discussion. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.